

EXHIBIT 26

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

1

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
-----X

4 AMRO ALI, M.D.,

5 Plaintiff,

6 vs.

7 WESTCHESTER MEDICAL CENTER and
8 NEW YORK MEDICAL COLLEGE,

9 Defendants.
-----X

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11
12 DEPOSITION OF MICHELLE HODGE

13 VIA VIDEO TELECONFERENCE

14 Hawthorne, New York

15 Friday, October 16, 2020

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24 Reported by:
25 JOAN WARNOCK
JOB NO. J6089253B

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

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3 October 16, 2020
4 1:05 p.m.
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Deposition of MICHELLE HODGE, held
via remote video teleconference in
Hawthorne, New York, before Joan
Warnock, a Notary Public of the State of
New York.

1 MICHELLE HODGE
2 AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

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6 A P P E A R A N C E S:
7 (ALL PARTIES APPEARING VIA VIDEO
8 TELECONFERENCE)
9

10 ROBERT W. SADOWSKI PLLC
11 Attorneys for Plaintiff
12 800 Third Avenue, 28th Floor
13 New York, New York 10022
14 BY: ROBERT W. SADOWSKI, ESQ.
15

16 MEYER SUOZZI ENGLISH & KLEIN P.C.
17 Attorneys for Defendants
18 990 Stewart Avenue
19 Garden City, New York 11530
20 BY: PAUL MILLUS, ESQ.
21

22 ALSO PRESENT:
23
24
25

AMRO ALI
NEWMAN HOFFMAN

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

4

1 M. Hodge
2 M I C H E L L E H O D G E , called as a
3 witness, having been duly sworn by a
4 Notary Public, was examined and
5 testified as follows:

6 COURT REPORTER: Please state your
7 name and address for the record.

8 THE WITNESS: Michelle Hodge,
9 260 West Street, Apartment 2-C, Mount
10 Kisco, New York 10549.

11 EXAMINATION BY

12 MR. SADOWSKI:

13 Q. Good afternoon, Ms. Hodge. My name
14 is Robert Sadowski. I represent Dr. Amro Ali
15 in a litigation against Westchester Medical
16 Center and New York Medical College.

17 Have you ever been deposed before?

18 A. I have not.

19 Q. Okay. A couple of basic rules, the
20 most important of which is you must wait
21 until I finish my question before you speak,
22 because the court reporter can't take down
23 two people talking at the same time. Also, I
24 see you just nodded your head. For the
25 record, we have to have verbal answers to

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

5

1 M. Hodge
2 questions, so shaking your head or nodding or
3 uh-huh, um-hmm doesn't work. And I'll try to
4 catch if that happens, but try to remember to
5 make your responses verbal. Okay?
6 A. Okay.
7 Q. At any time you want to take a
8 break, just let me know and we'll do that. I
9 just ask that if there's a question pending,
10 you answer the question before the break. If
11 at any time you don't understand my question
12 or need it rephrased, please let me know, and
13 I'll be happy to do that.
14 Do you understand the instructions
15 I've given you?
16 A. Yes.
17 Q. Where are you employed, Ms. Hodge?
18 A. Westchester Medical Center in
19 Valhalla.
20 Q. And what is your job there?
21 A. I'm the Department of Ophthalmology
22 coordinator.
23 Q. And who is your supervisor?
24 A. Kelley Hutcheson.
25 Q. And how long have you had that

**MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER**

October 16, 2020

6

1 M. Hodge

2 | position?

3 A. Two and a half years.

Q. And before that were you employed?

5 A. Yes.

6 Q. And where were you employed?

7 A. Antioch Baptist Church in Bedford
8 Hills.

9 Q. And what was your job there?

10 A. Church secretary.

11 Q. Can you tell me generally your
12 duties and responsibilities as the
13 coordinator for the Department of
14 Ophthalmology?

15 A. Sure. I work directly with
16 Dr. Hutcheson in an administrative capacity.
17 I also do marketing for the department and
18 plan events.

19 Q. What are the administrative duties
20 and responsibilities that you have?

21 A. Scheduling meetings, scheduling
22 phone calls, doing expenses.

23 Q. Do you attend any department
24 meetings?

25 A. I do.

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

7

1 M. Hodge

2 Q. And what role do you have when you
3 attend a department meeting?

4 A. Most of the time I'm there just as
5 an attendee to -- as a department liaison.

6 Q. And as a department liaison
7 attendee, do you take notes?

8 A. Yes.

9 Q. Do you take notes that are
10 handwritten or typed?

11 A. Handwritten.

12 Q. Handwritten. What do you do, if
13 anything, with your handwritten notes after
14 the meeting?

15 A. They're just kept in a notebook.

16 Q. And where is that notebook kept?

17 A. On my desk.

18 Q. Do you know who Dr. Sharma is?

19 A. Yes.

20 Q. How do you know him?

21 A. I've met him several times. I
22 think he's an instructor at the New York
23 Medical College.

24 Q. Have you ever attended any meetings
25 with him?

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

8

1 M. Hodge

2 A. I think just grand rounds.

3 Q. What do you mean by grand rounds?

4 A. Grand rounds is a monthly lecture
5 series sponsored by the department.

6 Q. Have you ever had any meetings with
7 Dr. Sharma, Dr. Hutcheson, Dr. Bierman, and
8 Dr. Wandel?

9 A. No. Dr. Sharma was -- no.

10 Q. If I told you that Dr. Sharma
11 testified that you were at a meeting in
12 June 2018 attended by Dr. Hutcheson,
13 Dr. Wandel, Dr. Bierman, and Dr. Sharma,
14 would that at all refresh your recollection?

15 A. I do not recall that meeting.

16 Q. Has anyone requested you to search
17 your notebooks or computer files for emails,
18 notes, or memos regarding Dr. Ali?

19 A. Yes.

20 Q. And who made that request to you?

21 A. I don't recall. It was a while
22 ago.

23 Q. Do you know if you spoke with
24 Dr. Hutcheson about that request?

25 A. I don't recall whether I spoke to

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

9

1 M. Hodge

2 her about it.

3 Q. Did you retrieve any emails, memos,
4 notes, that you had in connection with
5 Dr. Ali?

6 A. Yes.

7 Q. And what did you retrieve?

8 A. Just that, emails, memos, anything
9 on my computer.

10 Q. Did you also check the notebook
11 that you kept on your desk?

12 A. Yes.

13 Q. And did you find any meeting notes
14 in that notebook relating to Dr. Ali?

15 A. No.

16 Q. The notebook that you maintain,
17 what's the purpose for maintaining the
18 notebook?

19 A. To remind me of meeting
20 discussions.

21 Q. Do you share those notes with
22 anyone?

23 A. No.

24 Q. Has anyone ever asked to see your
25 book of meeting notes?

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

10

1 M. Hodge

2 A. No.

3 Q. When you say you keep it on your
4 desk, is it in view to anyone who passes by
5 your desk?

6 A. No. My office is locked.

7 Q. Okay. I may have asked you this
8 and I apologize. Has anyone ever asked to
9 review your notebook?

10 A. No.

11 Q. Have you taken out any notes from
12 your notebook and done something with them?

13 A. Yes, I have.

14 Q. On what occasion would you have to
15 do that?

16 A. If I've transcribed the notes and
17 typed them, then I don't need the handwritten
18 notes.

19 Q. I see. And when you have an
20 occasion to transcribe the notes, why would
21 you transcribe notes?

22 A. For an official record.

23 Q. And who would make the
24 determination that certain notes should
25 become an official record?

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

11

1 M. Hodge

2 A. My supervisor.

3 Q. That would be Dr. Hutcheson?

4 A. Yes.

5 Q. Would you transcribe notes for any
6 other reason other than at Dr. Hutcheson's
7 request?

8 A. Not -- no.

9 Q. The notes that you transcribe, what
10 do you do with the notes once they are
11 transcribed?

12 A. The handwritten notes?

13 Q. Yes.

14 A. They're shredded. They're put in
15 the shred box.

16 Q. Is that your policy with all notes
17 that you transcribe?

18 A. Yes.

19 Q. How often are you asked to
20 transcribe notes?

21 A. Very rarely.

22 Q. I'm going to show you now what has
23 been -- let me see if I can get it up. Okay.
24 Can you see what I have marked as Bierman
25 Exhibit 3? And let me make it a little

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

12

1 M. Hodge

2 larger.

3 Have you seen this document before?

4 A. Yes.

5 Q. And the title is "Meeting Minutes,"
6 the date, July 20, 2018, the time twelve
7 noon. And the attendees are listed, and your
8 name is there as note taker. Did you attend
9 this meeting as a note taker?

10 A. Yes.

11 Q. And is this your transcription of
12 the notes you took at that meeting?

13 A. Yes.

14 Q. And is this transcription an
15 accurate rendition of your notes taken at
16 that meeting?

17 A. To the best of my knowledge, yes.

18 Q. Do you recall was there anything in
19 your notes that you did not include in this
20 transcription, if you remember?

21 A. I don't remember, but I would have
22 to say no.

23 Q. So is it your understanding that
24 this is a comprehensive transcription of the
25 notes you took of the meeting on July 20th,

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

13

1 M. Hodge

2 2018?

3 MR. MILLUS: Objection as to form.

4 You may answer.

5 A. Yes.

6 Q. Do you know why Dr. Hutcheson asked
7 you to transcribe these notes?

8 A. Yes.

9 Q. And why is that?

10 A. To make them an official record.

11 Q. When you say official record, what
12 does that mean to you?

13 A. She wanted an accurate description
14 of the meeting discussion.

15 Q. After you transcribed these notes,
16 did any of the attendees review the notes?

17 A. Yes.

18 Q. I'm sorry. I misspoke. Review the
19 transcription.

20 A. Yes.

21 Q. Who was that?

22 A. Dr. Hutcheson and I believe
23 Dr. Wandel.

24 Q. And did they have any comments or
25 corrections after their review of the

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

14

1 M. Hodge

2 transcription?

3 A. I don't entirely recall.

4 Q. Do you recall ever making any
5 modifications to your transcription?

6 A. I don't entirely recall. Sorry.

7 Q. Okay. If any of those individuals
8 you mentioned had reviewed the transcription
9 and made notes or comments or edited it,
10 would you have saved those review notes?

11 A. Normally I only save the final to
12 save space.

13 Q. I see. Do you know as you sit here
14 today whether you made any revisions in this
15 transcription after you first transcribed it?

16 A. I honestly can't recall.

17 Q. Okay. In connection with the
18 request made to you -- well, let me ask you.
19 What request was made to you to look for any
20 documents relating to Dr. Ali?

21 A. Can you rephrase that.

22 Q. Sure. That wasn't a pretty
23 question. Who is it who asked you to look in
24 your computer and notes for any documents
25 relating to Dr. Ali?

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

15

1 M. Hodge

2 A. I don't remember. It was a long
3 time ago.

4 Q. You did do a search of your
5 computer for emails or items relating to
6 Dr. Ali; correct?

7 A. Yes.

8 Q. And you did review your notebook to
9 see if there were any notes relating to
10 Dr. Ali; correct?

11 A. Yes.

12 Q. In your notebook were there any
13 handwritten notes relating to Dr. Ali?

14 A. No.

15 Q. Does Dr. Hutcheson maintain a copy
16 of your notes or notebook?

17 A. No.

18 Q. Other than these meeting minutes,
19 what other documents did you recover from
20 your computer or notes or files relating to
21 Dr. Ali?

22 A. Mostly emails. Emails.

23 Q. And to whom did you produce those
24 emails?

25 A. Is that the same as asking who

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

16

1 M. Hodge

2 requested them?

3 Q. No, because one person could
4 request them and you could have given them to
5 another person.

6 A. No. I don't recall who I gave them
7 to.

8 Q. In that process of reviewing your
9 notes and emails, did Dr. Hutcheson assist
10 you at all?

11 A. No.

12 Q. Did she give you any direction in
13 connection with your search for documents
14 relating to Dr. Ali?

15 A. Only that I should comply.

16 Q. Were those the words she used?

17 A. I don't remember the exact words.

18 Q. Did she ask you or did she tell you
19 she wanted to review what you found before it
20 was turned over to anyone?

21 A. No.

22 Q. Do you ever recall being in a
23 meeting room with -- well, let me ask you
24 this. Is there a particular conference room
25 that you use when you have meetings?

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

17

1 M. Hodge

2 A. No.

3 Q. There aren't designated conference
4 rooms for meetings in your department?

5 A. The department does not have a
6 designated conference room where -- we have
7 to reserve a room in the hospital.

8 Q. I see. And is it your job to make
9 those meeting room reservations?

10 A. Normally, yes.

11 Q. Do you keep a record of the meeting
12 room reservations that you make?

13 A. It would be in my calendar, my
14 email.

15 MR. SADOWSKI: I'm going to ask the
16 witness to produce her calendar for
17 June 2018, and particularly I'm looking
18 for the dates on or around June 22nd,
19 2018.

20 Q. Do you have that calendar in a hard
21 copy, or is it on your computer?

22 A. It's on my computer.

23 Q. Are you able to pull that up for
24 the period June 2018?

25 A. I can try. I can't do it now.

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

18

1 M. Hodge

2 Q. Okay. Understood.

3 MR. SADOWSKI: If you could do that
4 and produce it to Mr. Millus for his
5 review.

6 THE WITNESS: Yes.

7 Q. To whom do you make a request for a
8 meeting room reservation?

9 A. It's all electronic.

10 Q. So there's no person who is
11 responsible for responding to a request for a
12 meeting room reservation?

13 A. Not one single person, no. It
14 depends on whose department has the room.

15 Q. I see. How long in advance do you
16 have to request a conference room?

17 A. There's no set time.

18 Q. When you set up a meeting, do you
19 send an email to the potential attendees of
20 the meeting?

21 A. Yes.

22 Q. So if there was going to be a
23 meeting with Drs. Bierman, Wandel, Hutcheson,
24 and Sharma, would you send an email to each
25 of them stating the date, time, and place of

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

19

1 M. Hodge

2 the meeting?

3 A. Yes.

4 MR. SADOWSKI: I'm going to ask you
5 to search for any emails reserving a
6 conference room on or around June 22nd,
7 2018, and the emails to the attendees
8 for that meeting, and in particular if
9 it's to Drs. Sharma, Bierman, Hutcheson
10 and Wandel.

11 MR. MILLUS: That's fine. I'll ask
12 the witness to do so and correspond with
13 me and convey her findings.

14 Q. Do you recall the meeting on
15 July 20th, 2018?

16 A. Yes.

17 Q. What do you recall about the
18 meeting?

19 A. Just that it happened.

20 Q. Can you describe for me how the
21 meeting ended?

22 A. I don't recall how the meeting
23 ended.

24 Q. Was there anything remarkable about
25 the ending of the meeting that sticks out in

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

20

1 M. Hodge

2 your mind?

3 MR. MILLUS: Objection to the form.

4 A. Remarkable how?

5 Q. Well, remarkable that you would
6 remember or think it should be included in
7 the notes?

8 A. I don't recall for sure.

9 Q. Do you remember the order of the
10 individuals as they left the meeting?

11 A. I do not.

12 Q. Do you recall speaking with Dr. Ali
13 at the end of the meeting?

14 A. Not for certain.

15 Q. You don't recall shaking his hand?

16 A. I don't recall for certain.

17 Q. Did Dr. Ali at any time during the
18 meeting raise his voice?

19 A. Not that I can recall.

20 Q. Have you ever known Dr. Ali to
21 raise his voice?

22 A. I don't know Dr. Ali personally.

23 Q. How often have you interacted with
24 Dr. Ali?

25 A. Via email and this meeting.

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

21

1 M. Hodge

2 Q. Did you have an understanding of
3 what Dr. Ali's position at New York Medical
4 College was?

5 A. No.

6 Q. Did you and Dr. Hutcheson ever
7 discuss Dr. Ali?

8 A. Not that I can recall.

9 MR. SADOWSKI: All right. Let me
10 take a five-minute break, and then I
11 should be able to wrap up.

12 MR. MILLUS: Very well. Thank you.

13 (Recess taken from 1:34 p.m. to
14 1:42 p.m.)

15 MR. SADOWSKI: Ms. Hodge, I was
16 asking you about conference room
17 reservations and emails to attendees for
18 the period of June. I would like to
19 expand that to include July, the month
20 of July 2018, too.

21 THE WITNESS: Okay.

22 MR. SADOWSKI: Thank you.

23 MR. MILLUS: That's fine.

24 Q. Do you know an ophthalmology
25 resident from Qatar? And I will not

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

22

1 M. Hodge

2 pronounce his last name correctly. His name
3 is Samir Al Sweiki?

4 A. Yes.

5 Q. In your office as the
6 administrator, do you keep records relating
7 to the residents?

8 A. No.

9 Q. Where are records relating to the
10 residents kept?

11 A. With the --

12 MR. MILLUS: Let me just object as
13 to form. When you say records, is there
14 a way that you can define that a little
15 bit better, Rob, just so I can
16 understand it?

17 MR. SADOWSKI: Sure.

18 Q. What I'm asking specifically is if
19 the ophthalmology department keeps records of
20 the progress of residents such as the
21 requirement to pass the licensing exam Step 3
22 during the residency?

23 A. That's not part of my job.

24 Q. Who in the department keeps track
25 of that requirement, if you know?

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

23

1 M. Hodge

2 A. The residency program coordinator.

3 Q. And who is that?

4 A. Donna Hemmings.

5 Q. Do you have any information at all
6 as to whether Dr. Al Sweiki has passed Step 3
7 of his licensing exam?

8 A. I do not.

9 Q. So to establish that information, I
10 would have to ask Donna Hemmings?

11 A. Yes.

12 MR. SADOWSKI: Okay. Thank you. I
13 have no other questions.

14 MR. MILLUS: I have no questions.

15 (Time noted: 1:45 p.m.)

16

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18

19

20 MICHELLE HODGE

21

22 Subscribed and sworn to before me
23 this ____ day of _____, 2020.

24

25

**MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER**

October 16, 2020

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF WESTCHESTER)

I, JOAN WARNOCK, a Notary Public

within and for the State of New York, do
hereby certify:

That MICHELLE HODGE, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 17th day of October,
2020.

Joan Warwick

JOAN WARNOCK

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

25

1 ----- I N D E X -----
2

3 WITNESS EXAMINATION BY PAGE
4 M. Hodge Mr. Sadowski 4
5

6 ----- INFORMATION REQUESTS -----
7

8 DIRECTIONS:

9 RULINGS:

10 TO BE FURNISHED:

11 REQUESTS: 17:15, 19:4, 21:15

12 MOTIONS:

13 ----- EXHIBITS -----
14 (None)
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MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

26

1 DEPOSITION ERRATA SHEET

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3 Our Assignment No.: J6089253B

4 Case Caption: Amro Ali, M.D. v. Westchester
5 Medical Center

6

7 DECLARATION UNDER PENALTY OF PERJURY

8

9 I declare under penalty of perjury
10 that I have read the entire transcript of my
11 Deposition taken in the captioned matter or
12 the same has been read to me, and the same is
13 true and accurate, save and except for
14 changes and/or corrections, if any, as
15 indicated by me on the DEPOSITION ERRATA
16 SHEET hereof, with the understanding that I
17 offer these changes as if still under oath.

18 _____
19 Michelle Hodge

20 Subscribed and sworn to on the _____ day of
21 _____, 20 ____ before me.
22 _____

23 Notary Public,
24 in and for the State of
25 _____.

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

27

1 DEPOSITION ERRATA SHEET

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22 Reason for change: _____

24 SIGNATURE: _____ DATE: _____

25 Michelle Hodge

MICHELLE HODGE
AMRO ALI, M.D. vs WESTCHESTER MEDICAL CENTER

October 16, 2020

28

1 DEPOSITION ERRATA SHEET

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25 Michelle Hodge